

United States Senate
WASHINGTON, DC 20510-0309

January 10, 2022

The Honorable Michael Regan
Administrator
U.S. Environmental Protection Administration
Washington, D.C. 20460

The Honorable Michael Connor
Assistant Secretary of the Army for Civil Works
U.S. Army
Washington, D.C. 20310

Dear Administrator Regan and Assistant Secretary Connor,

We write regarding the request made by the Environmental Protection Agency and the U.S. Department of the Army for stakeholders to submit nomination letters to the agencies to potentially be selected for one of ten geographically focused roundtables to discuss potential changes to the definition of “waters of the United States” under the Clean Water Act. We ask that you give full and fair consideration to a proposal submitted by the Arizona Department of Environmental Quality (ADEQ), which will provide a diverse group of Arizona stakeholders with the opportunity to have a voice in this important discussion.

Arizona is a young, and fast-growing state which is located in an arid climate where rainfall is sparse and many rivers and streams in the state experience only intermittent, or ephemeral, flows. As Arizona faces historic drought conditions, our state has taken stringent measures to protect critical water supplies without sacrificing historic growth. These factors mean Arizona will be uniquely impacted by regulatory changes to redefine “waters of the United States” or WOTUS.

The most recent proposed federal rule revising the WOTUS definition mentions Arizona 14 times, more than any other state. The question of whether ephemeral streams, dry washes, and irrigation ditches are considered waters of the U.S. has significant implications for a variety of Arizona stakeholders, including local governments, farmers, landowners, and conservation groups. And over the past six years, Arizonans have experienced firsthand the regulatory whiplash that comes from changing definitions of WOTUS. For example, the Navigable Waters Protection Rule, which was finalized in 2020, redefined WOTUS in a way which changed the way more 90 percent of Arizona waterways are regulated.

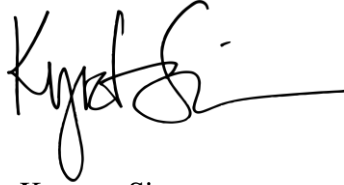
Arizonans have a vested interest in ensuring that EPA and the Army Corps of Engineers identify a scientifically-backed, commonsense definition of waters of the U.S., which can stand the test of time. To ensure these perspectives are heard as the agencies begin this process, ADEQ has assembled a diverse panel of Arizona stakeholders, from conservation groups, industry, and local governments, to speak to the importance of establishing commonsense regulations for waters of the United States under the Clean Water Act.

In accordance with all existing rules, regulations, and ethical guidelines, we respectfully request that you give the ADEQ roundtable proposal full and fair consideration as you make this importance decision.

Sincerely,

A handwritten signature in black ink that reads "Mark Kelly". The letters are cursive and fluid, with a long horizontal stroke at the end.

Mark Kelly
United States Senator

A handwritten signature in black ink that reads "Kyrsten Sinema". The signature is stylized with a large "K" and a long horizontal line extending to the right.

Kyrsten Sinema
United States Senator